

RECEIVED

OCT 05 2005

## BLAKELY SOKOLOFF TAYLOR &amp; ZAFMAN LLP

TELEPHONE: (503) 439-8778

INTELLECTUAL PROPERTY LAW  
12400 WILSHIRE BOULEVARD, 7TH FLOOR  
LOS ANGELES, CA 90025

FACSIMILE: (503) 439-6073

## FACSIMILE COVER SHEET

Deliver to: U.S. PTO, USPTO

Art Group: \_\_\_\_\_

Facsimile No.: (571) 273-8300

Date: October 5, 2005

From: Mark C. Van Ness, Reg. No. 39,865

Our Docket No.: 42390P19172X2

Number of pages 5 including this sheet.

Application No.: 09/753,336

Filing Date: 12/29/2000

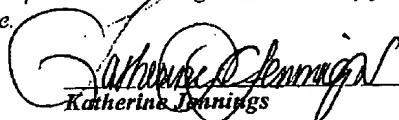
Docket Due Date(s): \_\_\_\_\_

Enclosed are the following documents:

- |  |   |
|--|---|
| <input type="checkbox"/> Amendment: _____ ( ____ pgs)            | <input type="checkbox"/> Issue Fee Transmittal                                    |
| <input type="checkbox"/> Appeal Brief ( ____ pgs)                | <input type="checkbox"/> Notice of Appeal   |
| <input type="checkbox"/> Application: _____                      | <input type="checkbox"/> Petition for: _____                                      |
| ( ____ pgs) w/cover & abstract                                   | <input type="checkbox"/> Request for Continued Examination (RCE)                  |
| <input type="checkbox"/> Assignment & Cover Sheet ( ____ pgs)    | <input type="checkbox"/> Reply Brief ( ____ pgs)                                  |
| <input type="checkbox"/> Certificate of _____                    | <input type="checkbox"/> Request & Certification Under 35 USC 122(b)(2)(B)(i)     |
| <input type="checkbox"/> Continued Prosecution Application (CPA) | <input type="checkbox"/> Request to Rescind Previous Nonpublication Request       |
| <input type="checkbox"/> Declaration & POA ( ____ pgs)           | <input type="checkbox"/> Response to Notice of Missing Parts & Formalities Letter |
| <input type="checkbox"/> Drawings: ____ sheets, ____ figures     | <input type="checkbox"/> Response to Written Opinion ( ____ pgs)                  |
| <input type="checkbox"/> Extension of Time: _____                | <input type="checkbox"/> Terminal Disclaimer                                      |
| <input type="checkbox"/> Fee Transmittal (in duplicate)          | <input type="checkbox"/> Transmittal of Publication Fee Due                       |
| <input type="checkbox"/> IDS & PTO/SB/08 ( ____ pgs)             | <input type="checkbox"/> Transmittal Letter                                       |
| <input checked="" type="checkbox"/> Other Status Request _____   |   |

## CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8A)

I hereby certify that this correspondence is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office.

  
Katherine Jennings

10/5/2005

Date

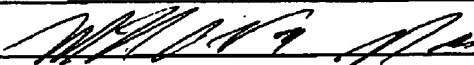
**Confidentiality Note:** The documents accompanying this facsimile transmission contain information from the law firm of Blakely, Sokoloff, Taylor & Zafman which is confidential or privileged. The information is intended to be for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this faxed information is prohibited. If you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the retrieval of the original documents at no cost to you.

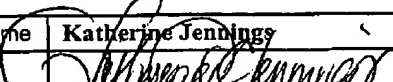
If you do not receive all the pages, or if there is any difficulty in receiving, please call: (503) 439-8778 and ask for Katherine Jennings.

OCT 05 2005

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application No.	09/753,336
	Filing Date	December 29, 2000
	First Named Inventor	Joshua Coates
	Art Unit	
	Examiner Name	
Total Number of Pages In This Submission	Attorney Docket Number	42390P19172X2

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Response  <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> PTO/SB/08  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/Incomplete Application  <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s)  <div>Remarks</div>	<input type="checkbox"/> After Allowance, Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input checked="" type="checkbox"/> Status Letter  <input type="checkbox"/> Other Enclosure(s) (please identify below): <div></div>

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Mark C. Van Ness, Reg. No. 39,865 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	October 5, 2005

CERTIFICATE OF MAILING/TRANSMISSION			
I hereby certify that this correspondence is being transmitted via facsimile on the date shown below to the United States Patent and Trademark Office.			
Typed or printed name	Katherine Jennings	Date	October 5, 2005
Signature			

Based on PTO/SB/21 (04-04) as modified by Blakely, Sokoloff, Taylor & Zafman (vtr) 06/04/2004.  
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450


RECEIVED  
CENTRAL FAX CENTER

OCT 05 2005

<b>FEE TRANSMITTAL for FY 2005</b> <small>Patent fees are subject to annual revision.</small>		<i>Complete if Known</i>	
		Application Number	09/753,336
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.		Filing Date	December 29, 2000
		First Named Inventor	Joshua Coates
<b>TOTAL AMOUNT OF PAYMENT</b> (\$)		Examiner Name	
		Art Unit	
		Attorney Docket No.	42390P19172x2

<b>METHOD OF PAYMENT</b> (check all that apply)	
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account Deposit Account Number: <u>02-2666</u> Deposit Account Name: <u>Blakely, Sokoloff, Taylor &amp; Zafman LLP</u>	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee	
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20. <input type="checkbox"/> Credit any overpayments	

FEE CALCULATION					
Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
2053	130	2053	130	Non-English specification	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
1809	790	1809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
Other fee (specify) _____					
<b>SUBTOTAL (2)</b> (\$)					

SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Mark C. Van Ness	Registration No. (Attorney/Agent)	39,865
Signature		Telephone	(503) 439-8778
		Date	10/05/05

Based on PTO/SB/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (wtr) 12/15/2004.  
 SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460


RECEIVED  
CENTRAL FAX CENTER

OCT 05 2005

<b>FEE TRANSMITTAL for FY 2005</b> <small>Patent fees are subject to annual revision.</small>		<b>Complete if Known</b>	
		Application Number	09/753,336
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.		Filing Date	December 29, 2000
		First Named Inventor	Joshua Coates
<b>TOTAL AMOUNT OF PAYMENT</b> (\$)		Examiner Name	
		Art Unit	
		Attorney Docket No.	42390P19172x2

<b>METHOD OF PAYMENT</b> (check all that apply)	
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account Deposit Account Number: <u>02-2666</u> Deposit Account Name: <u>Blakely, Sokoloff, Taylor &amp; Zafman LLP</u>	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee	
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) <input type="checkbox"/> Credit any overpayments	
under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.	

<b>FEE CALCULATION</b>					
Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
2053	130	2053	130	Non-English specification	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
1809	790	1809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
Other fee (specify) _____					
				<b>SUBTOTAL (2)</b>	<b>(\$)</b>

<b>SUBMITTED BY</b>		<b>Complete (if applicable)</b>	
Name (Print/Type)	Mark C. Van Ness	Registration No. (Attorney/Agent)	39,865
Signature		Telephone	(503) 439-8778
		Date	10/05/05

Based on PTO/SB/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (wtr) 12/15/2004.  
 SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

OCT 05 2005

Docket No.: 42390P19172X2

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

JOSHUA COATES

Application No.: 09/753,336

Filed: December 29, 2000

For: A Failover Architecture for Local Devices that  
Access Remote Storage

Art Group:

Examiner:

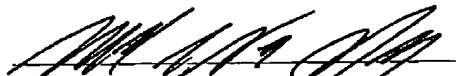
## STATUS INQUIRY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

The above-captioned application, an amendment thereto, or an Appeal Brief was filed more than 18 months ago and no substantive Office Action has issued to date. Please provide the current status of the application and an indication of when the next Action is expected to issue.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR &amp; ZAFMAN LLP

Date: October 05, 2005  
Mark C. Van Ness, Reg. No. 39,86512400 Wilshire Boulevard, 7th Floor  
Los Angeles, CA 90025  
Telephone: (503) 439-8778

## CERTIFICATE OF MAILING/TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile on the date shown below to the United States Patent and Trademark Office.

  
Katherine Jennings10/05/05

Date